

**MINUTES OF THE
VINEYARD TOWN COUNCIL MEETING
Vineyard Town Hall, 240 East Gammon Road, Vineyard, Utah
April 25, 2012**

PRESENT –

Mayor Randy Farnworth
Councilmember Sean Fernandez
Councilmember Jeff Gillespie
Councilmember Norm Holdaway
Councilmember Nathan Riley

ABSENT:

Staff Present: Water Operator Sullivan Love, Town Engineer Don Overson, Town Attorney Dave Church, UCSO Deputy Collin Gordon, Town Clerk/Recorder Dan Wright, Deputy Recorder Debra Cullimore

Others Present: Ed Grampp and Stewart Park of Anderson Development, Verl Cook, Tony Cook, Mrs. Verl Cook

The Vineyard Town Council held a Regular Meeting Wednesday, April 25, 2012, beginning at 7:00 p.m. The invocation was offered by Nathan Riley.

Regular Session – The meeting was called to order at 7:05 p.m.

MINUTES REVIEW AND APPROVAL –

COUNCILMEMBER RILEY MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 28, 2012 AND THE WORK SESSION OF APRIL 10, 2012. COUNCILMEMBER FERNANDEZ SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY.

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL - *Planning Commission Liaison Norman Holdaway*

Councilmember Holdaway had no new business to forward to the Council from the Planning Commission.

STAFF REPORTS -

Planner, Jim Carter – Logan Simpson Design – Mr. Carter was not present at the meeting.

Engineer, Don Overson – JUB Engineers – Mr. Overson reported that the Town is ready to move forward with the boundary adjustment between Vineyard and Orem on the east side of the rail road tracks. Upon completion of the boundary adjustment the full width of Geneva Road will be located in Orem with the Vineyard boundary moving to the west side of the rail road tracks. Mr. Overson

requested that Mayor Farnworth discuss moving ahead with the boundary adjustment process during the next Orem/Vineyard coordination meeting.

Mr. Overson went on to report that fourteen contractors have received pre-qualification packets for the RDA construction projects. Statement of Qualification documents must be submitted by the May 7, 2012 deadline, followed by a two week bid period. The bid is scheduled to be awarded by the RDA Board on May 23, 2012.

Mr. Overson stated that a meeting is scheduled with Anderson Development representatives to discuss groundwater issues on the Geneva site. The Council discussed pipe sizing in comparison with current land use maps.

Mr. Overson reported that mail delivery issues in the Sleepy Ridge Subdivision have been resolved. The Postal Service will install additional community boxes at their expense.

Water Operator Technician – Sullivan Love – Mr. Love had nothing specific to report, but observed that new residents are moving into Vineyard on a weekly basis.

Attorney – David Church – Mr. Church had not yet arrived at the meeting. He will present any information he has to report upon his arrival.

Utah County Sheriff's Department – Deputy Gordon inquired as to Town ordinances regarding operation of ATV's on public roads. The Council explained that an ordinance was passed which legalized operation of ATV's on all two lane Town roadways. Staff will forward a copy of the ordinance to Deputy Gordon.

BUSINESS ITEMS –

5.1 – Discussion - 575 South Right-of-Way – *The Council will discuss acquisition of the 575 South right-of-way.*

Property owner, Verl Cook, along with his wife and his son, Tony, were present for this discussion. Councilmember Riley noted that he and Councilmember Fernandez had not yet had an opportunity to meet with the Cooks to discuss this issue as requested by the Council. Mayor Farnworth reported that 575 South is scheduled to be closed at Geneva Road on April 29, 2012. Mr. Overson has been in communication with the Office of the Presiding Bishopric of the LDS Church regarding closure of the roadway. The Church has indicated that since the portion of the roadway which they dedicated to the Town is now a public right-of-way, they expect access to Church owned property to remain open. Mr. Overson will notify the contractor that barriers are to be placed at the Cook property line rather than at Geneva Road.

Councilmember Riley invited the Cooks to present any information they have regarding this discussion. Tony Cook explained that Keiwi approached them approximately one year ago requesting a one year lease for the temporary access to be used during the Geneva Road construction project. The lease is set to expire in the near future. Tony stated that they are not necessarily opposed to selling the right-of-way to the Town if fair value can be agreed upon. He explained that the lease agreement required the road to be built to UDOT standards, and for access to be blocked at the end of the lease period.

Mayor Farnworth explained that the contractor is anxious to resolve this issue in order to fully complete the project on time and avoid paying penalties. He observed that the roadway is not essential to the Town, and that the barricades could be left in place for the time being without significant negative impacts to the Town. He noted that the condemnation process could be complex and costly, and that if the purchase price cannot be negotiated, the Council may determine that it is in the best interest of Town to leave the barricades in place until required road improvements are completed when the property develops.

Councilmember Riley noted that he spent some time during the past week learning about the Cook farm and previous property issues the family has dealt with. He stated that Vineyard does not want to impose a hardship on the family, and that the Town would prefer to work out a mutually beneficial agreement to purchase the property. He noted that the Council has some questions regarding the price quoted to Town Attorney, David Church, of \$180,000, \$100,000 for the property and \$80,000 for road improvements. He stated that there is some question regarding the stated value of the road, and requested that a meeting be arranged to discuss specific costs in an effort to allow the Town to obtain the right-of-way while protecting the interests of the Cook family.

Councilmember Fernandez noted that the Town does not have a large cash reserve which can be used to purchase the roadway. He explained that the agreement with the LDS Church to acquire that portion of the right-of-way included fee waivers and other provisions in lieu of cash payment. He inquired as to whether the Cooks may be agreeable to a similar agreement. Mr. Overson explained that the agreement with the LDS Church included waivers for impact and inspection fees for future development on the adjacent property.

Mayor Farnworth suggested that Councilmember Riley and Councilmember Fernandez meet with the Cooks to discuss details of a possible agreement. The Council went on to discuss the condemnation process with Mr. Church, including one or two appraisals as required by the Utah State property ombudsman, actual costs in addition to severance damages if the condemnation is deemed by the courts to decrease the value of the adjacent property, and a final decision made by the courts regarding the property value and any damages associated with the condemnation. Mr. Church observed that this is a unique situation due to the fact that there is an existing roadway on the property, and the condemnation would not change the current use. He noted that valuation of roadways is somewhat complex and could be expensive to appraise.

Mr. Cook stated that he feels that the proposed price of \$3.81 per square foot is a reasonable cost. He asserted that other roadways are costing double or triple that price for right-of-way acquisition. Mr. Church observed that the cost of condemnation would likely be higher than a negotiated price. Mr. Church noted that the Cooks currently own the roadway area, including improvements installed by Keiwi, and that they have the right to do as they see fit with the property, including removing the improvements and farming the ground if they choose.

Tony Cook inquired as to whether dedicating the roadway would obligate the family financially to install curb, gutter and sidewalk improvements. Mr. Overson stated that if the property develops in the future, complete road improvements would be required as part of the development. He explained

that the full right-of-way is 65 feet, but that the Town is only interested in acquiring 50 feet to accommodate travel lanes at this time.

Mayor Farnworth stated that at this time he has instructed the contractor to place barriers at the Cook property line. He noted that if a fair price can be negotiated, the Council can move ahead with the purchase. Councilmember Holdaway observed that once the access is closed it will become apparent whether the road is a necessary access or not.

Following further discussion, the Council felt that it would be appropriate for Councilmember Riley and Councilmember Fernandez to meet with the Cooks to discuss details of the purchase. Mayor Farnworth suggested that an appraisal be obtained prior to finalizing the sale. Councilmember Riley observed that the appraisal for the right-of-way section obtained from the LDS Church would likely be similar to an appraisal for this section. Mr. Church stated that an appraisal could be expensive, and that if the negotiated price is roughly similar to the appraisal for the church property an additional appraisal would not be necessary.

Councilmember Riley and Councilmember Fernandez will meet with the Cooks and report back to the Council.

5.2 – Discussion – Budget Presentations – *The Council will discuss upcoming budget presentations and request specific information from staff for review during the budget approval process.*

Mayor Farnworth asked the Council for direction regarding what level of detail they would like in upcoming budget presentations and discussions. Councilmember Riley requested information regarding how final budget amounts are calculated rather than information which includes only budget line item amounts.

Mayor Farnworth suggested that costs associated with weed abatement through an outside contractor be included in the budget, as well removal of sand and installation of another material in the park playground. Councilmember Gillespie noted that it will be necessary to approximately double the street maintenance budget as the area of occupied streets has doubled since last year. Staff will present the preliminary budget on May 9, 2012, with final budget approval scheduled no later than the June 27, 2012 meeting.

Councilmember Gillespie was excused from the meeting at 8:15 p.m.

5.3 – Discussion and Action – Surplus Property Ordinance – *The Council will review and possibly act to approve Ordinance No. 2012-1 Approving Procedures for the Disposal of Surplus Property. The Council will also review and discuss the associated Resolution which will be approved to declare surplus property during future Public Hearings.*

Councilmember Holdaway suggested that the Town consider selling surplus property through Utah State surplus. Mr. Church explained that there are no specific requirements related to disposal of surplus property, but that it is necessary to have policies in place to prevent any waste of public assets.

He noted that operable surplus property can be sold or donated, and inoperable equipment can be discarded.

Councilmember Riley noted that the ordinance as presented requires a public hearing before disposal of the property. He felt that the proposed process may be excessive. Mr. Church stated that a public hearing is not required by law except in the case of disposal of real property. He suggested that staff present a list of surplus property to the Council, and that the property be disposed of in a manner that provides the best value to the Town by discarding, selling or donating the property.

Councilmember Fernandez suggested that the ordinances be passed with language referring to public hearing requirements removed. Mayor Farnworth called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER FERNANDEZ MOVED TO APPROVE ORDINANCE #2012-1 APPROVING PROCEDURES FOR DISPOSAL OF SURPLUS PROPERTY WITH AMENDMENTS REMOVING PUBLIC HEARING REQUIREMENTS AS DISCUSSED. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

5.4 – Discussion and Action – Vineyard Twitter Account – The Council will discuss and possibly act to approve creation of a Town Twitter account. Staff will present information regarding use of a Twitter account to communicate information to residents, media, and other interested parties.

Deputy Recorder, Debra Cullimore, explained the benefits of a Town Twitter account to quickly and efficiently communicate information to residents. She noted that there is no cost to the Town, and that residents sign up to “follow” Vineyard voluntarily. She presented a Social Media policy which outlines procedures to be followed by staff in establishing and using Twitter as communication tool. Mr. Church noted that use of Twitter is a cost effective and efficient method to communicate with residents.

The Council will review the proposed policy in more detail and take action on this issue during the May 9, 2012 meeting.

OPEN SESSION – Citizen Comments

Mayor Farnworth called for comments from the audience. There was no public comment.

COUNCILMEMBER’S REPORTS –

Councilmember Riley – Councilmember Riley reported that the RDA Tax Increment Revenue Bond has closed and funds have been transferred. He stated that upon completion of Council reports he would like to call an Executive Session of the Council.

Councilmember Holdaway – Councilmember Holdaway had no items to report.

Councilmember Gillespie – Councilmember Gillespie was excused earlier in the meeting.

Councilmember Fernandez – Councilmember Fernandez reported that he will attend a TSSD Board meeting on Thursday, April 26th and will report any information at the next Council meeting.

MAYOR'S REPORT –

Mayor Farnworth reported that Laura Lewis of Lewis, Young, Robertson and Burningham has requested that the RDA Board discuss possible creation of an RDA Steering Committee. The Committee would have authority to make day to day decision regarding RDA activities. Councilmember Riley suggested that this issue be discussed by the RDA Board on May 9, 2012. He felt that the Board should establish a threshold which can be administered by the Committee and what would require review and approval by the full Board.

EXECUTIVE SESSION –

COUNCILMEMBER FERNANDEZ MOVED TO ENTER INTO AN EXECUTIVE SESSION AT 8:45 P.M. TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL. COUNCILMEMBER RILEY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

MAYOR FARNWORTH	AYE
COUNCILMEMBER FERNANDEZ	AYE
COUNCILMEMBER HOLDAWAY	AYE
COUNCILMEMBER RILEY	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

ADJOURNMENT –

The meeting was adjourned by consensus at the conclusion of the Executive Session. The next regular Town Council meeting is scheduled for May 9, 2012.

MINUTES APPROVED ON – May 9, 2012

CERTIFIED CORRECT BY _____
DEBRA CULLIMORE, DEPUTY RECORDER